ORDINANCE NO. 2014-12

AN ORDINANCE OF THE CITY OF WILDWOOD AMENDING CERTAIN PROVISIONS IN ORDINANCE NUMBER 02013-24; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mid Florida Properties, L.L.C. (hereinafter the "Developer") filed an application for a Planned Development which together with supporting documents, analyses, maps, charts, other evidence and instruments, the advice, report and recommendations of the Project Review Committee and the testimony adduced and evidence received at the Public Hearing by the Planning and Zoning Board on June 27, 2013 and September 3, 2013; and

WHEREAS, based upon such materials and otherwise being fully informed the City Commission duly adopted Ordinance No. 2013-24 on September 24, 2013; and

WHEREAS, since the adoption of Ordinance No. 2013-24, the City Commission duly adopted Ordinance No. 2013-56 which amended certain sections of the City's Land Development Regulations pertaining to Planned Development; and

WHEREAS, at this time, the Developer desires to make certain amendments to Ordinance No. 2013-24 to utilize certain changes to the City's Land Development Regulations enacted by the adoption of Ordinance No. 2013-56.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. Ordinance Number O2013-24 of the City of Wildwood, Florida is hereby amended as indicated below.

- 1. All terms and provisions of Ordinance Number 2013-24 shall remain the same unless specifically amended below.
- **2.** Section 3, Paragraph B, is amended by restating Paragraph B of Section 3 as set forth below:
 - B. Conceptual Development Plan. The Project includes a conceptual development plan pursuant to Section 8.4 of the Land Development Regulations. The Conceptual Development Plan prepared by Farner Barley and Associates, Inc. dated November 25, 2013 (as revised to denote sidewalk requirements) is incorporated into this Ordinance as "Exhibit B" attached hereto. The conceptual development plan is substantially consistent with City of Wildwood

Comprehensive Plan.

- 1) The conceptual development plan illustrates the general location of the following land uses:
 - a. Single Family Residential;
 - b. Common areas and buffer easements (open spaces);
 - c. Recreational (Parks and open spaces)
- The conceptual development plan is conceptual in nature and may be affected or modified by final zoning approval and conditions, by compensating storage capacity in flood prone areas, final wetland or protected species locations and jurisdictional boundaries, final engineering, permitting, surveys, or conservation easements.
- **3.** Section 3, Paragraph C is amended by restating Paragraph C of Section 3 as set forth below:
 - C. <u>Development Program.</u> The Project shall be developed in two phases. The phases are shown on "Exhibit B" Conceptual Development Plan attached hereto.
 - 1) Residential Development. The residential component of the Project shall contain no more than 561 single family detached housing units/lots and at least one attached housing unit/lot with two dwelling units.
 - 2) <u>Maximum Development Potential.</u> Residential development within the Project shall not exceed four (4) dwelling units/acre. The maximum number of residential units/lots in the Project is 563.
- **4.** Section 3, Paragraph F is amended by restating Paragraph F of Section 3 as set forth below:
 - F. <u>Developer's Agreement.</u> Prior to approval of subdivision preliminary plans, the City and the Developer agree to enter into an amendment to the Developer's (Utility) Agreement dated October 14, 2013 to address the provision of water and wastewater to the Project. The agreement, as amended, shall also specify, among other items, the ownership and maintenance of the utilities infrastructure associated with the Project.
 - 5. Section 3, Paragraph J, Subsection 4) is amended by restating Paragraph

- J, Subsection 4) of Section 3 as set forth below:
 - 4) <u>Landscape Design.</u> Yard and common area landscaping will be in conformance with the City of Wildwood Land Development Regulations and as generally depicted in "Exhibit C" attached hereto.
- **6.** Section 3, Paragraph L, Subsection 3) is amended by restating Section 3, Paragraph L, Subsection 3) as set forth below:
 - 3) Stormwater. The Project shall contain a stormwater management system which meets the requirements of the Southwest Florida Water Management District, and Chapter 6, section 6.4 of the City's Land Development Regulations, as set forth in Ordinance No. 2013-56. Drainage retention basins will not be fenced.
- 7. Section 3, Paragraph M, Subsection 3), Subsection c. is amended by restating Section 3, Paragraph M, Subsection 3), Subsection c. as set forth below:
 - c. The Project shall provide sidewalks shown on "Exhibit C" attached hereto. The Project shall not provide sidewalks or multi-model paths along County Roads 214 and 209. Sufficient right of way along C.R. 214 will be dedicated to the City as shown on "Exhibit's B and C" so the City may construct a sidewalk should future needs warrant construction. A tract of land along County Road 209 will be dedicated to the City as shown on "Exhibit's B and C" so the City may construct a multi-model path should future needs warrant construction.
- **8.** Section 3, Paragraph P is amended by restating Section 3, Paragraph P as set forth below:
 - P. Expiration of Planned Development Agreement. Actual construction must begin within the Planned Development within 24 months of the final adoption of the amendment to the Planned Development Agreement. If no construction has started on the approved Planned Development within 24 months, the Planned Development shall lapse and be of no further effect. The City Commission may extend the Planned Development for periods of up to six (6) months provided the applicant can show good cause why the said Project was delayed under the originally approved Planned Development Agreement. However, the City Commission shall not allow extensions to the commencement of construction

beyond 48 months after the effective date of this Ordinance. Notwithstanding anything in the foregoing, once construction has commenced, construction may continue until the completion of the Project.

SECTION 2. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 3. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 4. This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

> CITY COMMISSION CITY OF WILDWOOD, FLORIDA

SEAL

Ed Wolf, Mayor

ATTEST:

oseph Jacobs, City Clerk

First Reading:

Tehruary 10, 2014

Second Reading:

24, 2014

Approved as to form:

Ashley Hunt, City Attorney

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"Exhibit A"

Oxford Oaks

Legal Description

OXFORD OAKS

LEGAL DESCRIPTION
A PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SAID SECTION 18; THENCE N00°26'23"E ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 1323.97 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 18; THENCE S89°23'32"E ALONG SAID NORTH LINE A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S89°23'32"E, ALONG SAID NORTH LINE A DISTANCE OF 1273.53 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 18; THENCE N00°26'06"E ALONG SAID WEST LINE A DISTANCE OF 1323.63 FEET TO THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4: THENCE S89°22'39"E ALONG SAID NORTH LINE A DISTANCE OF 1114.72 FEET TO A POINT 208.71 FEET WEST OF THE EAST LINE OF SAID NORTHEAST OF THE SOUTHWEST 1/4; THENCE PARALLEL WITH SAID EAST LINE RUN S00°25'50"W A DISTANCE OF 208.71 FEET; THENCE PARALLEL WITH SAID NORTH LINE RUN S89°22'39"E A DISTANCE OF 208.71 FEET TO A POINT ON SAID EAST LINE; THENCE N00°25'50"E, ALONG SAID EAST LINE A DISTANCE OF 28.71 FEET TO A POINT 180.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 18; THENCE PARALLEL WITH SAID NORTH LINE RUN S89°22'39"E A DISTANCE OF 2529.92 FEET TO THE WEST RIGHT OF WAY OF STATE ROAD NO. 35 (U.S. 301); THENCE S00°57'08"E ALONG SAID RIGHT OF WAY A DISTANCE OF 574.88 FEET; THENCE DEPARTING SAID RIGHT OF WAY \$87°03'31"W A DISTANCE OF 89.10 FEET TO A POINT ON THE SOUTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1628 PAGE 483, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA; THENCE N89°22'32"W ALONG SAID SOUTH LINE A DISTANCE OF 151.16 FEET TO THE WEST LINES OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1628 PAGE 481 AND OFFICIAL RECORDS BOOK 1628, PAGE 483; THENCE S00°36'51"W ALONG SAID WEST LINES A DISTANCE OF 204.69 FEET TO THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 155, PAGE 73, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA; THENCE N89°20'28"W ALONG SAID NORTH LINE A DISTANCE OF 16.14 FEET TO THE WEST LINE THEREOF; THENCE S00°57'08"E ALONG SAID WEST LINE A DISTANCE OF 360.00 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 18; THENCE N89°20'28"W ALONG SAID SOUTH LINE A DISTANCE OF 967.51 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 18; THENCE S00°25'03"W ALONG SAID EAST LINE A DISTANCE OF 1296.13 FEET TO A POINT 28.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 18; THENCE PARALLEL WITH SAID SOUTH LINE RUN N89°18'18"W A DISTANCE OF 1328.34 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 18; SAID POINT ALSO BEING 28.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE PARALLEL WITH SAID SOUTH LINE RUN N89°24'24"W A DISTANCE OF 1323.63 FEET TO A POINT ON THE EAST LINE OF AFORESAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; POINT ALSO BEING 28.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE PARALLEL WITH SAID SOUTH LINE RUN N89°24'24"W A DISTANCE OF 317.83 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1884, PAGE 366, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1884, PAGE 366 THE FOLLOWING THREE (3) COURSES: THENCE RUN N00°38'26"E A DISTANCE OF 199.08 FEET; THENCE N89°21'34"W A DISTANCE OF 208.72; THENCE S00°38'26"W A DISTANCE

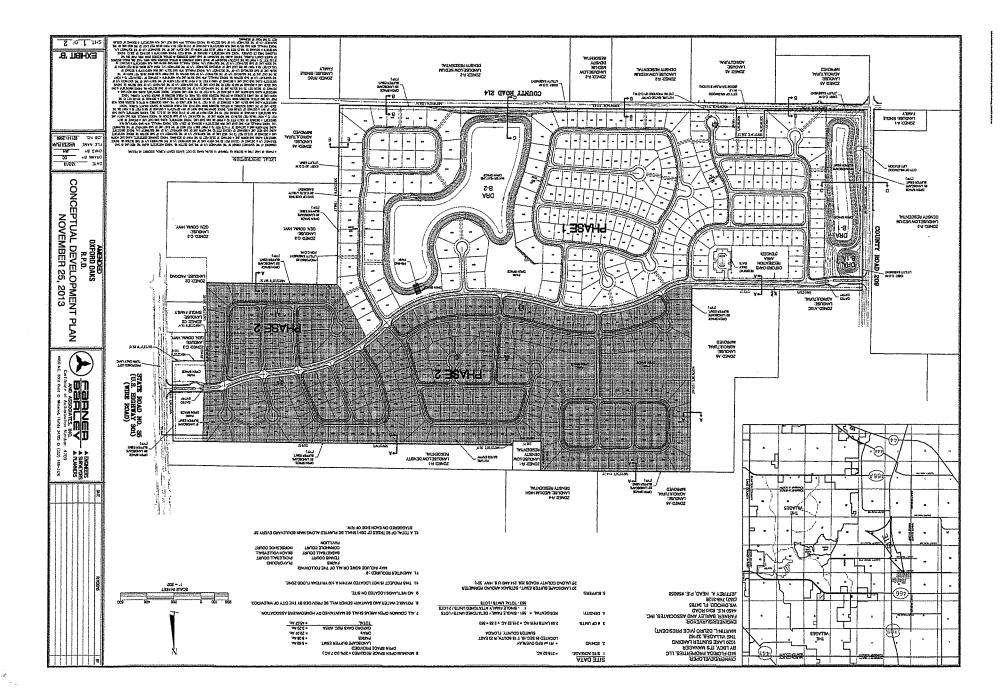
OF 199.25 FEET TO A POINT 28.00 FEET NORTH OF SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE PARALLEL WITH SAID SOUTH LINE RUN N89°24'24"W A DISTANCE OF 747.09 FEET TO A POINT 50.00 FEET EAST OF THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 18; THENCE PARALLEL WITH SAID WEST LINE RUN N00°26'23"E A DISTANCE OF 1295.96 FEET TO THE POINT OF BEGINNING.

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"Exhibit B"

Oxford Oaks

Conceptual Development Plan



Ordinance O2014-12

"Exhibit C"

Oxford Oaks

Detail Sections

